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**GAMBLING COMMISSION
COMM & LEGAL DIVISION**

STATE OF WASHINGTON
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**GAMBLING COMMISSION
COMM & LEGAL DIVISION**

In the Matter of the Revocation of the Class III
Certification¹ to Conduct Gambling Activities of:) NO. CR 2008-01307

Yolanda Conway,

) **SETTLEMENT ORDER**

Class III Gaming Employee.

The Washington State Gambling Commission and the Class III Gaming Employee, Yolanda Conway, agree to this Settlement Order in order to resolve the administrative charges issued against Ms. Conway. H. Bruce Marvin, Assistant Attorney General, and Arlene Dennistoun, Staff Attorney, represent the Commission. Ms. Conway represents herself.

I.

The Washington State Gambling Commission issued Yolanda Conway of Aberdeen, the following certification:

Number 69-25398, authorizing Class III Gaming Employee activity, formerly at Shoalwater Bay Casino in Tokeland.

The certification expires on March 18, 2009, and was issued subject to the Class III employee's compliance with the Tribal (Shoalwater Bay Indian Tribe) State compact, state gambling laws and Commission rules.

II.

The Director issued a Notice of Administrative Charges and Opportunity for Adjudicative Proceeding on October 20, 2008, seeking the revocation of Yolanda Conway's certification. Commission staff received Ms. Conway's request for a hearing on November 5, 2008.

III.

The following is a summary of the facts and violations contained in the Notice of Administrative Charges, which Ms. Conway acknowledges having received and reviewed:

¹ The Gambling Commission issues Class III Certifications to employees working at tribal casinos. The certifications authorize similar activities as the Card Room Employee (CRE) licenses issued to individuals working at commercial house-banked card rooms. Holders of Class III Certifications may automatically apply to have their certifications transferred to a CRE license by submitting transfer applications and accompanying fees.

SUMMARY:

The Class III gaming employee took \$30 from the Shoalwater Bay Casino by manipulating cash and accounting records while employed as a cashier.

VIOLATIONS:

- 1) RCW 9.46.075(1) provides that the Commission may revoke a license or permit for any reason it deems to be in the public interest, or when the licensee or permit holder has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW, or by Commission rules.
- 2) WAC 230-03-085 provides that the Commission may revoke any license or permit when the licensee or permit holder commits any act that constitutes grounds under RCW 9.46.075 for revoking a license or permit.
- 3) Section V of the Tribal/State Compact provides that the State Gaming Agency may revoke a certification under the provisions of RCW 9.46.075 and Commission rules, for any reason it deems to be in the public interest.
- 4) RCW 9.46.190(3) provides that any person operating any gambling activity who or which, directly or indirectly, engages in any act, practice or course of operation as would operate as a fraud or deceit upon any person is guilty of a gross misdemeanor subject to the penalty set forth in RCW 9A.20.021.
- 5) RCW 9.46.075(8) provides that the Commission may revoke a license or permit when the holder fails to prove, by clear and convincing evidence, that she is qualified in accordance with the provisions of this chapter, and RCW 9.46.153(1) provides that it shall be the affirmative responsibility of each licensee or permit holder to establish by clear and convincing evidence the necessary qualifications for licensure.

On March 23, 2008, while working as a cage cashier, Ms. Conway took \$30 from the Shoalwater Bay Casino by manipulating cash, forcing the balance in her various cage drawers, and by misreporting an overage on her accounting form.

IV.

The charges specified in paragraph III above constitute grounds for revocation of the certification issued to Yolanda Conway to conduct authorized gambling activities under the authority of the Tribal/State Compact, RCW 9.46.075 and WAC 230-03-085.

V.

The Class III Gaming Employee, Yolanda Conway, requested a hearing in this matter; however, she has waived her right to a hearing based on the entry of this Settlement Order. Ms. Conway, furthermore, agrees to the following sanctions:

1) Yolanda Conway must surrender her Class III Gaming Employee certification by **January 5, 2009**, by either delivering the certification to the Gambling Commission's Communications and Legal Division, located at 4565 7th Avenue, Lacey, or by mailing the certification to the Gambling Commission, at P.O. Box 42400, Olympia, 98504-2400.

2) If Ms. Conway reapplies for a gambling license or certification, she must establish, by clear and convincing evidence, that she is qualified to hold a gambling license or certification. Furthermore, Ms. Conway will be subject to all the Commission's investigative procedures for processing an application for a gambling license or certification.

3) Nothing in this Settlement Order prevents Commission staff from denying Ms. Conway a gambling license or certification, based on the facts of this case in combination with facts that Commission legal staff may not currently know.

4) No promises or assurances were made to Ms. Conway that she will receive a license or certification from the Commission should she reapply.

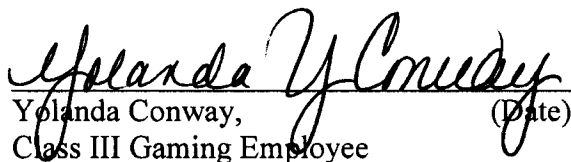
5) Ms. Conway cannot engage in any gambling activity, whether paid or unpaid, including amusement game or punchboard/pull-tab activity. However, this does not prevent Ms. Conway from working in any non-gambling activity, such as employment in restaurants located in establishments engaged in authorized gambling activity.

DATED this 2th day of February, 2008.



Administrative Law Judge


By her signature, Yolanda Conway acknowledges understanding the terms and conditions contained in this Settlement Order.

APPROVED FOR ENTRY:


Yolanda Conway, (Date)
Class III Gaming Employee

APPROVED AS TO FORM:


H. Bruce Marvin, Assistant Attorney General
WSBA #25152, Representing the
Washington State Gambling Commission


Arlene Dennistoun, Staff Attorney,
WSBA #28760
Washington State Gambling Commission